

## MEMORANDUM

To: Weber County Commission  
From: Charles Ewert, AICP  
Date: January 31, 2020  
Subject: Ordinance Amendments for Medical Cannabis

As discussed in last week's regular and work-session commission meetings, the attached documents present staff's modifications to the proposed medical cannabis ordinance.

For simplicity of review, the first attachment shows the modifications to last Tuesday's proposal in track-change mode, but does not track all proposed changes from what currently exists in code. A review of the track change mode presented in Tuesday's meeting may be useful to see all proposed changes.

The second attachment is a clean-copy of the proposed ordinance, without any track changes or annotations.

If there is any need for clarification please let me know.



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**PART II – LAND USE CODE**

**TITLE 104 – ZONES**

**CHAPTER 5. - AGRICULTURAL ZONE A-1**

**Sec. 104-5-1. - Purpose and intent.**

The A-1 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-1 Zone is to:

- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

**Sec. 104-5-2. - Agriculture preferred use.**

Agriculture is the preferred use in the A-1 Zone. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-5-7. - Site development standards.**

The following site development standards apply to the A-1 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres
Minimum lot area.....	40,000 sq. ft.	As specified by the use.
Minimum lot width.....	150 feet	150 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet

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	Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:	Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
	Other main building.....	20 feet on each side	20 feet on each side
	Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
	Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
	Side; facing street on corner lot.....	20 feet	20 feet
	Main building height:		
	Minimum.....	1 story	1 story
	Maximum.....	35 feet	35 feet
Accessory building height.....		25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

**Sec. 104-5-8. - Sign regulations.**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

**Commented [CE31]:** Redundant. Already covered in Title 110. Same comment for all signage section changes herein.

**CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

**Sec. 104-6-1. - Purpose and intent.**

The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

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- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

**Sec. 104-6-2. - Agriculture preferred use.**

Agriculture is the preferred use in the AV-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**CHAPTER 7. - AGRICULTURAL A-2 ZONE**

**Sec. 104-7-1. - Purpose and intent.**

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

**Sec. 104-7-2. - Agriculture preferred use.**

Agriculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-7-6. - Site development standards.**

The following site development standards apply to the A-2 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area:		
Single-family dwelling.....	40,000 sq. ft.	Not Applicable
Other use.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet

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Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....	20 feet on each side	20 feet on each side
Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side; facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

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54 **Sec. 104-7-7. - Permitted signs.**

55 The height, size and location of permitted signs shall be in accordance with the regulations set forth  
 56 in Title 110, Chapter 1, Western Weber Signs.

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## CHAPTER 8. - AGRICULTURAL ZONE A-3

### Sec. 104-8-1. - Purpose and intent.

The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

### Sec. 104-8-2. - Agriculture preferred use.

Agriculture is the preferred use in the A-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-8-5. - Conditional uses.** The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

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- (11) Livestock feed or sales yard.
- (12) Manure spreading, drying and sales.
- (13) Medical cannabis production establishment, as defined by state code, cultivation or processing facility, in compliance with Section 108-7-34.
- (14) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
- (15) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (16) Planned residential unit development in accordance with title 108, chapter 5.
- (17) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
- (18) Public storage facility developed by a public agency and meeting requirements of title 108, chapter 10.
- (19) Public utility substations.
- (20) Radio or television station or tower.
- (21) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (22) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (232) Rodeo grounds.
- (24) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (25) Slaughterhouse.
- (26) Stockyards.
- (27) The overnight parking or not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (28) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.

**Commented [CE32]:** Changed to use state code terminology

**Commented [CE33]:** New section added to supplementary regulations (last section of this amendment).

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- 100 (29) Turf horse-jumping course.
- 101 (30) Waste water treatment or disposal facilities meeting the requirements of the Utah State
- 102 Division of Health Code of Waste Disposal Regulations.
- 103 (31) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- 104 (32) Gun club with five-acre minimum parcel.
- 105 (33) Skeet Shooting Range with 5 acre minimum parcel.
- 106 (34) Laboratory facility for agricultural products and soils testing.
- 107 (35) Small wind energy system.

**Sec. 104-8-6. - Site development standards.**

The following site development standards apply to the A-3 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....	20 feet on each side	20 feet on each side

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Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side; facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

**Sec. 104-8-7. - Sign regulations.**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

**CHAPTER 22. – MANUFACTURING ZONE M-1**

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**Sec 104-22-2 Permitted Uses**

The following uses are permitted in the ~~Manufacturing Zone~~ M-1 Zone:

1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
2. Any permitted use in a C-3 Zone except dwelling units.
3. Agriculture.
4. Animal hospitals.
5. Animals and fowl for family food production.
6. Boat building.
7. Bookbinding.
8. Body and fender work, if conducted within an enclosed building.
9. Bottling works, soft drinks.
10. Carpenter shop, cabinet shop.



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- 130 11. Carpet and rug cleaning and dyeing.
- 131 12. Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in
- 132 height.
- 133 13. Construction of buildings to be sold and moved off the premises.
- 134 14. Dairy.
- 135 15. Dry cleaning plant.
- 136 16. Dwelling unit for night watchman or guard and family.
- 137 17. Egg handling, processing and sales.
- 138 18. Electric appliances and/or electronic instruments assembling.
- 139 19. Express office.
- 140 20. Garage, public.
- 141 21. Home occupations.
- 142 22. Honey extraction.
- 143 23. Ice manufacturing and storage.
- 144 24. Kennel.
- 145 25. Knitting mill.
- 146 26. Laboratory.
- 147 27. Laundry.
- 148 28. Lithographing, including engraving and photo engraving.
- 149 29. Machine shop.
- 150 30. Manufacturing, compounding, processing, packing and treatment of the following products:
- 151 1. Bakery goods.
- 152 2. Candy.
- 153 3. Dairy products.
- 154 4. Pharmaceuticals.
- 155 31. Manufacturing, compounding, assembling and treatment of articles of merchandise from the
- 156 following previously prepared materials:
- 157 1. Cellophane.
- 158 2. Canvas.
- 159 3. Cloth.
- 160 4. Cork.
- 161 5. Felt.
- 162 6. Shell.
- 163 7. Straw.
- 164 8. Textile.
- 165 9. Wood.
- 166 10. Yarn.
- 167 32. Manufacturing and maintenance of the following:

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- 168 1. Business machines.
- 169 2. Cameras and photographic equipment.
- 170 3. Electric and neon sign, billboards and/or commercial advertising structures.
- 171 4. Light sheet metal products, including heating and ventilating ducts and equipment.
- 172 5. Musical instruments.
- 173 6. Novelties.
- 174 7. Rubber and metal stamps.
- 175 8. Toys.
- 176 33. Medical cannabis production establishment, in compliance with Section 108-7-34.
- 177 ~~33-34.~~ Monument works.
- 178 ~~34-35.~~ Motion picture studio.
- 179 ~~35-36.~~ Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.
- 180 ~~36-37.~~ Parking lot.
- 181 ~~37-38.~~ Planing mill.
- 182 ~~38-39.~~ Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- 183 ~~39-40.~~ Public and quasi public uses.
- 184 ~~40-41.~~ Public transit yards.
- 185 ~~41-42.~~ Radio and television transmitting towers.
- 186 ~~42-43.~~ Retail sale of products produced by, developed in conjunction with or normally required and
- 187 used in the performance of a commercial or manufacturing operation permitted in this zone; and
- 188 provided the retail sale is clearly an accessory use to the main permitted use and is conducted
- 189 within the same building or if the main use is not a building then on the same property provided
- 190 however, no retail sale of products may be made in conjunction with a warehousing or wholesale
- 191 business.
- 192 ~~43-44.~~ Rubber welding.
- 193 ~~44-45.~~ Sand blasting.
- 194 ~~45-46.~~ Service station.
- 195 ~~46-47.~~ Sign painting shop.
- 196 ~~47. Single-family dwelling.~~
- 197 48. Temporary building for uses incidental to construction work including living quarters for a guard
- 198 or night watchman, which buildings must be removed upon completion or abandonment of the
- 199 construction work.
- 200 49. Tire retreading and/or vulcanizing.
- 201 50. Transfer company.
- 202 51. Truck service station.
- 203 52. Trucking terminal.
- 204 53. Upholstering, including mattress manufacturing, rebuilding and renovating.
- 205 54. Used car lot.
- 206 55. Veterinary, and hotel and beauty parlor for cats and dogs.

**Commented [CE34]:** New section added to supplementary regulations (last section of this amendment).

**Commented [CE35]:** Removing single family dwelling as directed in the 2003 general plan.

If this isn't removed, then the residential development standards of the M-1 zone and M-2 zone need to be kept as well.

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- 207 56. Warehouse.  
208 57. Weaving.  
209 58. Welding shop.  
210 59. Wholesale business.

211 ...

212 **Sec 104-22-4 Site Development Standards**

213 The following site development standards shall apply to the Manufacturing Zone M-1:

	<u>Default Standard</u>	<u>Additional Restriction</u>
<u>Minimum lot area.....</u>	<u>None</u>	<u>Except minimum required by health department if not connected to sewer system</u>
<u>Minimum lot width.....</u>	<u>100 feet</u>	
<u>Minimum yard setbacks:</u>		
<u>Front.....</u>	<u>30 feet</u>	<u>Except 50 feet if on streets 80 feet or wider</u>
<u>Rear .....</u>	<u>None</u>	<u>Except 20 feet where building rears on a residential zone</u>
<u>Side.....</u>	<u>None</u>	<u>Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.</u>
<u>Main building height:</u>		
<u>Minimum.....</u>	<u>one story</u>	
<u>Maximum.....</u>	<u>None feet</u>	

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215 ~~1. Minimum lot area.~~

216 ~~1. None if connected to a public sewer; 20,000 square feet otherwise.~~

217 ~~2. Single-family dwellings shall require five acres.~~

218 ~~2. Minimum lot width: 100 feet.~~

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3. ~~Minimum yard setbacks.~~

1. ~~Front: 30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width.~~

2. ~~Side: None except 20 feet where adjacent to a residential zone boundary and a side yard facing a street on a corner lot, and for single-family dwelling.~~

3. ~~Rear: None, except 20 feet where building rears on a residential zone and 30 feet for single-family dwellings.~~

4. ~~Building height.~~

1. ~~Minimum: one story.~~

2. ~~Maximum: none.~~

3. ~~Maximum: none.~~

5. ~~Lot coverage. Not over 80 percent of lot area by buildings.~~

**Sec 104-22-5 Sign Regulations**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

The height, size and location of the following permitted signs shall be in accordance with title 110, chapter 1 of this Land Use Code and as follows:

1. ~~Advertising signs and billboards, provided the following conditions are met:~~

1. ~~Size. The maximum size of a billboard at any one location shall not be larger than 1,000 square feet.~~

2. ~~Spacing. The minimum distance between any two billboards adjacent to and facing a freeway or highway shall be 500 feet.~~

3. ~~Freeway access. The minimum distance between any advertising sign or billboard and the beginning of the pavement widening for an entrance or exit ramp on a freeway shall be not less than 500 feet. In addition, billboards adjacent to freeways shall comply with the State of Utah Outdoor Advertising Regulations.~~

2. ~~Animated sign.~~

3. ~~Business signs, not exceeding in area five square feet for each foot of street frontage with a maximum of 650 square feet for each sign, provided that business signs adjacent to and within 660 feet of an interstate freeway or federal aid primary highway, may have a maximum size of 1,000 square feet for each sign.~~

4. ~~Flat sign.~~

5. ~~Ground sign.~~

6. ~~Identification sign, illuminated sign.~~

7. ~~Nameplate.~~

8. ~~Property sign, projecting sign, public necessity sign.~~

9. ~~Roof sign.~~

10. ~~Service sign.~~

11. ~~Temporary sign.~~

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**CHAPTER 24. - MANUFACTURING ZONE M-2**

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**Sec 104-24-1 Purpose And Intent**

The purpose of the heavy manufacturing zone is to provide suitable areas that will accommodate the need for heavy intensity manufacturing, extractive and associated uses where the environment impact upon community may be substantial and where public regulation may be necessary to preserve the general welfare of the community.

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**Sec 104-24-4 Site Development Standards**

The following site development standards apply to the Manufacturing Zone M-2:

	<u>Default Standard</u>	<u>Additional Restriction</u>
<u>Minimum lot area.....</u>	<u>None</u>	<u>Except minimum required by health department if not connected to sewer system</u>
<u>Minimum lot width.....</u>	<u>100 feet</u>	
<u>Minimum yard setbacks:</u>		
<u>Front.....</u>	<u>30 feet</u>	<u>Except 50 feet if on streets 80 feet or wider</u>
<u>Rear .....</u>	<u>None</u>	<u>Except 20 feet where building rears on a residential zone</u>
<u>Side.....</u>	<u>None</u>	<u>Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.</u>
<u>Main building height:</u>		
<u>Minimum.....</u>	<u>one story</u>	
<u>Maximum.....</u>	<u>None</u>	
<u>Lot coverage maximum.....</u>	<u>80 percent</u>	

1. ~~Minimum lot area: None if connected to a public sewer, 20,000 square feet, otherwise single-family dwellings shall require five acres.~~

2. ~~Minimum lot width: 100 feet.~~

3. ~~Minimum yard setbacks:~~

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1. ~~Front: 30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width.~~
2. ~~Side: None except 20 feet where adjacent to a residential zone boundary and a side yard facing a street on a corner lot, and for single-family dwellings.~~
3. ~~Rear: None except 20 feet where building rears on a residential zone and 30 feet for single-family dwelling.~~
4. ~~Building height.~~
  1. ~~Minimum: One story.~~
  2. ~~Maximum: None.~~
5. ~~Lot coverage. Not over 80 percent of the lot area by buildings.~~

#### Sec 104-24-5 Sign Regulations

~~The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.~~

~~The height, size and location of the following permitted signs shall be in accordance with chapter 23-32 and as follows:~~

1. ~~Advertising signs and billboards, provided the following conditions are met:~~
  1. ~~Size. The maximum size of a billboard at any one location shall not be larger than 1,000 square feet.~~
  2. ~~Spacing. The minimum distance between any two billboards adjacent to and facing a freeway or highway shall be 500 feet.~~
  3. ~~Freeway access. The minimum distance between any advertising sign or billboard and the beginning of the pavement widening for an entrance or exit ramp on a freeway shall be not less than 500 feet. In addition, billboards adjacent to freeways shall comply with state outdoor advertising regulations.~~
2. ~~Animated sign.~~
3. ~~Business signs, not exceeding in area five square feet for each foot of street frontage with a maximum of 650 square feet for each sign, provided that business signs adjacent to and within 660 feet of an interstate freeway or federal aid primary highway, may have a maximum size of 1,000 square feet for each sign.~~
4. ~~Flat sign.~~
5. ~~Ground sign.~~
6. ~~Identification sign, illuminated sign.~~
7. ~~Nameplate.~~
8. ~~Property sign, projecting sign, public necessity sign.~~
9. ~~Roof sign.~~
10. ~~Service sign.~~
11. ~~Temporary sign.~~

#### CHAPTER 25. - MANUFACTURING ZONE M-3

##### Sec. 104-25-1. - Purpose and intent.

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aerospace parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

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**Sec. 104-25-2. - Permitted uses.**

The following uses are permitted in the M-3 Zone:

- (1) Any permitted use in an M-2 Zone ~~except dwelling units.~~
- (2) Laboratories.
- (3) Machine shop.
- (4) ~~Medical cannabis cultivation or processing facility.~~
- (5) Office, business, professional and governmental.
- (6) Public buildings and utilities.
- (7) Warehouse.
- (8) Welding shop.

**Commented [CE36]:** This needs to stay if residences stay allowed in the M-2 and M-1 zones.

**Commented [CE37]:** The M-3 and M-2 zones each say that all of the uses in the zone lower is also allowed. So the addition of the language on line 176 automatically applies to the M-2 and M-3 zones. Having this here is unnecessary.

**Sec 104-25-4 Site Development Standards ~~Area Regulations~~**

	<u>Standards</u>
<u>Minimum lot area.....</u>	<u>20,000 sq. ft.</u>
<u>Minimum lot width.....</u>	<u>100 feet</u>
<u>Minimum yard setbacks:</u>	
<u>Front.....</u>	<u>50 feet</u>
<u>Rear .....</u>	<u>None</u>
<u>Side.....</u>	<u>None</u>
<u>Main building height:</u>	
<u>Minimum.....</u>	<u>one story</u>
<u>Maximum.....</u>	<u>None</u>
<u>Lot coverage maximum.....</u>	<u>80 percent</u>

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No building for industrial uses shall be constructed and no premises shall be used for such purposes on any lot, which has an area of less than 20,000 square feet.

#### **Sec 104-25-5 Yards, Widths, And Height Regulations**

No industrial building or structure shall be located closer than 50 feet to any street or highway. The minimum lot width for all industrial buildings or uses shall be 100 feet. Height of structure shall conform to provisions of title 108, chapter 11.

#### **Sec 104-25-6 Coverage Regulations**

No building, structure, or group of buildings with their accessory building shall cover more than 80 percent of the area of the lot.

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#### **Sec. 104-25-7. - Sign regulations.**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

### **TITLE 108 – STANDARDS**

#### **CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS**

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#### **Sec. 108-7-34. – Medical cannabis production establishment ~~cultivation or processing facility~~.**

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In ~~a the A-3 zone that allows a medical cannabis cultivation or processing facility and residential uses,~~ the following standards shall apply to the medical cannabis ~~facility~~ production facility:
  - a. The minimum lot area required is 20 acres.
  - b. The minimum setback from any lot line is 100 feet.
  - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.
  - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
  - e. If a residential use exists, or is later located within, 500 feet of the facility, the ~~facility and site shall be designed~~ have a six-foot land berm or an eight-foot masonry wall shall be constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility. as follows:
    - ~~a. Waste gases or air shall be sufficiently cleaned so that no cannabis odor or other foul odor is exhausted.~~
    - ~~b. A six foot land berm or an eight foot masonry wall shall be constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.~~

Commented [CE38]: Moved up

Commented [CE39]: Moved up



ORDINANCE NUMBER 2020-

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE REGARDING MEDICAL CANNABIS REGULATIONS AND OTHER RELATED CLARIFYING EDITS**

**WHEREAS**, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

**WHEREAS**, the State of Utah has adopted regulations governing medical cannabis cultivation and processing, which require the County to offer locations in certain zones in which medical cannabis may be cultivated and processed; and

**WHEREAS**, the Board finds that the current land use regulations are insufficient to adequately provide for or regulate the location and development standards for medical cannabis cultivation and processing facilities; and

**WHEREAS**, the Board has determined that there is a reasonable public interest in amending zoning regulations to facilitate the proper location and development standards of a medical cannabis cultivation or processing facility; and

**WHEREAS**, the Board has received a positive recommendation for land use code amendments from the Western Weber Planning Commission in their December 10, 2019 meeting, after a duly noticed public hearing; and

**WHEREAS**, the Board concurs with the planning commission that the amendments are not contrary to the intended effect of the general plan, and that the amendments are not detrimental to the general public health, safety, or welfare.

**NOW THEREFORE**, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code.

**See Exhibit A**

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By \_\_\_\_\_,  
Gage Froerer, Chair

Commissioner Froerer voted: \_\_\_\_\_  
Commissioner Harvey voted: \_\_\_\_\_  
Commissioner Jenkins voted: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

1/31/2020

**PART II – LAND USE CODE****TITLE 104 – ZONES****CHAPTER 5. - AGRICULTURAL ZONE A-1****Sec. 104-5-1. - Purpose and intent.**

The A-1 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-1 Zone is to:

- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

**Sec. 104-5-2. - Agriculture preferred use.**

Agriculture is the preferred use in the A-1 Zone. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-5-7. - Site development standards.**

The following site development standards apply to the A-1 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres
Minimum lot area.....	40,000 sq. ft.	As specified by the use.
Minimum lot width.....	150 feet	150 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet

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	Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:			
	Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
	Other main building.....	20 feet on each side	20 feet on each side
	Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
	Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
	Side; facing street on corner lot.....	20 feet	20 feet
Main building height:			
	Minimum.....	1 story	1 story
	Maximum.....	35 feet	35 feet
	Accessory building height.....	25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

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**Sec. 104-5-8. - Sign regulations.**

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The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

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**CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

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**Sec. 104-6-1. - Purpose and intent.**

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The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

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- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
- (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
- (3) Direct orderly low-density residential development in a continuing rural environment.

**Sec. 104-6-2. - Agriculture preferred use.**

Agriculture is the preferred use in the AV-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

**CHAPTER 7. - AGRICULTURAL A-2 ZONE****Sec. 104-7-1. - Purpose and intent.**

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

**Sec. 104-7-2. - Agriculture preferred use.**

Agriculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-7-6. - Site development standards.**

The following site development standards apply to the A-2 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area:		
Single-family dwelling.....	40,000 sq. ft.	Not Applicable
Other use.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet

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Rear:			
Main building.....		30 feet	30 feet
Accessory building.....		1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.	
Side:			
Dwelling.....		10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....		20 feet on each side	20 feet on each side
Accessory building.....		10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...		See section 108-7-16.	
Side; facing street on corner lot.....		20 feet	20 feet
Main building height:			
Minimum.....		1 story	1 story
Maximum.....		35 feet	35 feet
Accessory building height.....		25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

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**Sec. 104-7-7. - Permitted signs.**

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The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

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**CHAPTER 8. - AGRICULTURAL ZONE A-3****Sec. 104-8-1. - Purpose and intent.**

The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

**Sec. 104-8-2. - Agriculture preferred use.**

Agriculture is the preferred use in the A-3 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.

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**Sec. 104-8-5. - Conditional uses.** The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

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- (11) Livestock feed or sales yard.
- (12) Manure spreading, drying and sales.
- (13) Medical cannabis production establishment, as defined by state code, in compliance with Section 108-7-34.
- (14) Mines, quarries, gravel pits in accordance with the Weber County Excavation Ordinance.
- (15) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (16) Planned residential unit development in accordance with title 108, chapter 5.
- (17) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial amusement business.
- (18) Public storage facility developed by a public agency and meeting requirements of title 108, chapter 10.
- (19) Public utility substations.
- (20) Radio or television station or tower.
- (21) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (22) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (232) Rodeo grounds.
- (24) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (25) Slaughterhouse.
- (26) Stockyards.
- (27) The overnight parking or not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (28) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.

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- 100 (29) Turf horse-jumping course.
- 101 (30) Waste water treatment or disposal facilities meeting the requirements of the Utah State
- 102 Division of Health Code of Waste Disposal Regulations.
- 103 (31) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- 104 (32) Gun club with five-acre minimum parcel.
- 105 (33) Skeet Shooting Range with 5 acre minimum parcel.
- 106 (34) Laboratory facility for agricultural products and soils testing.
- 107 (35) Small wind energy system.

108 **Sec. 104-8-6. - Site development standards.**

109 The following site development standards apply to the A-3 Zone:

	Permitted Uses and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area.....	2 acres	5 acres
Minimum lot width.....	150 feet	300 feet
Minimum yard setbacks:		
Front.....	30 feet	30 feet
Rear:		
Main building.....	30 feet	30 feet
Accessory building.....	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot	
Side:		
Dwelling.....	10 feet with total width of 2 side yards not less than 24 feet	
Other main building.....	20 feet on each side	20 feet on each side

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Accessory building.....	10 ft. except 1 ft. if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials...	See section 108-7-16.	
Side; facing street on corner lot.....	20 feet	20 feet
Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet
Accessory building height.....	25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

**Sec. 104-8-7. - Sign regulations.**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

**CHAPTER 22. – MANUFACTURING ZONE M-1**

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**Sec 104-22-2 Permitted Uses**

The following uses are permitted in the M-1 Zone:

1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
2. Any permitted use in a C-3 Zone except dwelling units.
3. Agriculture.
4. Animal hospitals.
5. Animals and fowl for family food production.
6. Boat building.
7. Bookbinding.
8. Body and fender work, if conducted within an enclosed building.
9. Bottling works, soft drinks.
10. Carpenter shop, cabinet shop.



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- 130 11. Carpet and rug cleaning and dyeing.
- 131 12. Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in
- 132 height.
- 133 13. Construction of buildings to be sold and moved off the premises.
- 134 14. Dairy.
- 135 15. Dry cleaning plant.
- 136 16. Dwelling unit for night watchman or guard and family.
- 137 17. Egg handling, processing and sales.
- 138 18. Electric appliances and/or electronic instruments assembling.
- 139 19. Express office.
- 140 20. Garage, public.
- 141 21. Home occupations.
- 142 22. Honey extraction.
- 143 23. Ice manufacturing and storage.
- 144 24. Kennel.
- 145 25. Knitting mill.
- 146 26. Laboratory.
- 147 27. Laundry.
- 148 28. Lithographing, including engraving and photo engraving.
- 149 29. Machine shop.
- 150 30. Manufacturing, compounding, processing, packing and treatment of the following products:
- 151 1. Bakery goods.
- 152 2. Candy.
- 153 3. Dairy products.
- 154 4. Pharmaceuticals.
- 155 31. Manufacturing, compounding, assembling and treatment of articles of merchandise from the
- 156 following previously prepared materials:
- 157 1. Cellophane.
- 158 2. Canvas.
- 159 3. Cloth.
- 160 4. Cork.
- 161 5. Felt.
- 162 6. Shell.
- 163 7. Straw.
- 164 8. Textile.
- 165 9. Wood.
- 166 10. Yarn.
- 167 32. Manufacturing and maintenance of the following:

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- 168 1. Business machines.
- 169 2. Cameras and photographic equipment.
- 170 3. Electric and neon sign, billboards and/or commercial advertising structures.
- 171 4. Light sheet metal products, including heating and ventilating ducts and equipment.
- 172 5. Musical instruments.
- 173 6. Novelties.
- 174 7. Rubber and metal stamps.
- 175 8. Toys.
- 176 33. Medical cannabis production establishment, in compliance with Section 108-7-34.
- 177 34. Monument works.
- 178 35. Motion picture studio.
- 179 36. Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.
- 180 37. Parking lot.
- 181 38. Planing mill.
- 182 39. Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- 183 40. Public and quasi public uses.
- 184 41. Public transit yards.
- 185 42. Radio and television transmitting towers.
- 186 43. Retail sale of products produced by, developed in conjunction with or normally required and  
187 used in the performance of a commercial or manufacturing operation permitted in this zone; and  
188 provided the retail sale is clearly an accessory use to the main permitted use and is conducted  
189 within the same building or if the main use is not a building then on the same property provided  
190 however, no retail sale of products may be made in conjunction with a warehousing or wholesale  
191 business.
- 192 44. Rubber welding.
- 193 45. Sand blasting.
- 194 46. Service station.
- 195 47. Sign painting shop.
- 196 48. Temporary building for uses incidental to construction work including living quarters for a guard  
197 or night watchman, which buildings must be removed upon completion or abandonment of the  
198 construction work.
- 199 49. Tire retreading and/or vulcanizing.
- 200 50. Transfer company.
- 201 51. Truck service station.
- 202 52. Trucking terminal.
- 203 53. Upholstering, including mattress manufacturing, rebuilding and renovating.
- 204 54. Used car lot.
- 205 55. Veterinary, and hotel and beauty parlor for cats and dogs.
- 206 56. Warehouse.

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- 207 57. Weaving.  
 208 58. Welding shop.  
 209 59. Wholesale business.

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211 **Sec 104-22-4 Site Development Standards**

212 The following site development standards shall apply to the Manufacturing Zone M-1:

	Default Standard	Additional Restriction
Minimum lot area.....	None	Except minimum required by health department if not connected to sewer system
Minimum lot width.....	100 feet	
Minimum yard setbacks:		
Front.....	30 feet	Except 50 feet if on streets 80 feet or wider
Rear .....	None	Except 20 feet where building rears on a residential zone
Side.....	None	Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.
Main building height:		
Minimum.....	one story	
Maximum.....	None feet	

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214 **Sec 104-22-5 Sign Regulations**

215 The height, size and location of permitted signs shall be in accordance with the regulations set forth  
 216 in Title 110, Chapter 1, Western Weber Signs.  
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219 **CHAPTER 24. - MANUFACTURING ZONE M-2**

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**Sec 104-24-1 Purpose And Intent**

The purpose of the heavy manufacturing zone is to provide suitable areas that will accommodate the need for heavy intensity manufacturing, extractive and associated uses where the environment impact upon community may be substantial and where public regulation may be necessary to preserve the general welfare of the community.

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**Sec 104-24-4 Site Development Standards**

The following site development standards apply to the Manufacturing Zone M-2:

	Default Standard	Additional Restriction
Minimum lot area.....	None	Except minimum required by health department if not connected to sewer system
Minimum lot width.....	100 feet	
Minimum yard setbacks:		
Front.....	30 feet	Except 50 feet if on streets 80 feet or wider
Rear .....	None	Except 20 feet where building rears on a residential zone
Side.....	None	Except 20 feet where adjacent to residential zone, or for a side yard on a corner lot.
Main building height:		
Minimum.....	one story	
Maximum.....	None	
Lot coverage maximum.....	80 percent	

**Sec 104-24-5 Sign Regulations**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

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**CHAPTER 25. - MANUFACTURING ZONE M-3****Sec. 104-25-1. - Purpose and intent.**

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aerospace parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

**Sec. 104-25-2. - Permitted uses.**

The following uses are permitted in the M-3 Zone:

- (1) Any permitted use in an M-2 Zone.
- (2) Laboratories.
- (3) Machine shop.
- (4) Office, business, professional and governmental.
- (5) Public buildings and utilities.
- (6) Warehouse.
- (7) Welding shop.

**Sec 104-25-4 Site Development Standards**

	Standards
Minimum lot area.....	20,000 sq. ft.
Minimum lot width.....	100 feet
Minimum yard setbacks:	
Front.....	50 feet
Rear .....	None
Side.....	None
Main building height:	
Minimum.....	one story

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Maximum.....	None
Lot coverage maximum.....	80 percent

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**Sec. 104-25-7. - Sign regulations.**

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The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

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**TITLE 108 – STANDARDS**

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**CHAPTER 7 – SUPPLEMENTARY AND QUALIFYING REGULATIONS**

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**Sec. 108-7-34. – Medical cannabis production establishment.**

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In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

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- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.

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- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.

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- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility:

- a. The minimum lot area required is 20 acres.

- b. The minimum setback from any lot line is 100 feet.

- c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required.

- d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.

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- e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

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